

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL A. CAMPBELL,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-22-399-R
)	
WILLIAM MONDAY, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Magistrate Judge Shon T. Erwin’s Report and Recommendation [Doc. 107] recommending the Court deny Plaintiff Campbell’s Motion for a Preliminary Injunction [Doc. 89]. Plaintiff Campbell did not file a timely Objection.¹

Judge Erwin noted the fatal flaw with Plaintiff’s motion. “[A] preliminary injunction ‘grants immediate relief of the same character as that which may be granted finally.’” Doc. 100 at 1 (quoting *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945)). The Court would not be able to order transfer of Plaintiff to FCI El Reno at the conclusion of this case, as he requests with this motion, so it may not do so preliminarily.

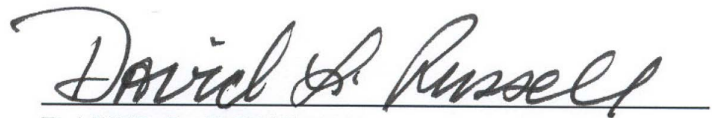
Moreover, Plaintiff has been recently transferred to FCI El Reno without the aid of this Court. Doc. 110. Thus, the issue is effectively moot. *Smith v. Becerra*, 44 F.4th 1238,

¹ Plaintiff Campbell did object to a previously filed version of this Report and Recommendation [Doc. 100, 102]. However, the Report and Recommendation was vacated and issued anew on June 5, 2024. Docs. 106-07.

1247 (10th Cir. 2022) (“The crucial question [for mootness] is whether granting a present determination of the issues offered . . . will have some effect in the real world.”) (quotations omitted). Even if the Court could order Plaintiff to be transferred to FCI El Reno, the action would now have no effect.

Thus, the Court ADOPTS Judge Erwin’s Recommendation and DENIES Mr. Campbell’s Motion for a Preliminary Injunction [Doc. 89].

IT IS SO ORDERED this 25th day of June 2024.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE